

Re: WC 07-52

Comment regarding issue of Comcast et al, and Broadband practices.

Recent reports in the new media indicate that many of Comcast competitors have weighed in supporting Comcast's activities.

As someone peripherally involved in the broadband industry, I've read many of the press releases and 'new clips' that Comcast has published.

The issue that Comcast has highlighted to its peers is the FCC is looking to remove network providers ability to combat spam, viruses, and network attacks.

Since at this stage, neither the FCC or the government has approved rules to that effect, at best this is fear-mongering.

However, this stance does not at all address the consumer issue, that I do not want Comcast or any other service provider to police my service. One of Comcast's and AT&T core goals is to make these issues seem infinitely more complex, and in no way related to issues that have already been resolved in the telephone industry. AT&T has already begun denying competitor access to its networks because those networks no longer work on copper wire.

The telephone industry cannot terminate service because they don't like what users are saying, or who they are talking to. The network industry should not have that right.

The telephone industry doesn't have the right to disconnect phone calls because some other user needs that circuit more. The network industry should have the right to decide which of its customer's traffic is more important than any other.

The telephone industry is specifically forbidden from blocking access from competing network. They can charge more ("roaming" "long distance") but they can't deny or degrade service just because it's an exterior customer. The network industry shouldn't be able to deny traffic to its customer no matter what the source.

As to the accusation that network providers need the freedom to police there own network, that's completely specious. The telephone network suffered from spam (phone solicitation), viruses (what used to be called War Dialing, and various fax-based attacks), and denial of service (Look at American Idol). In all of those cases, the telephone network has survived. Spam and various

phone-based attacks were controlled via legislation, and criminal penalties. Server-based attack (using phone circuits) is dealt with by guaranteeing capacity for all customers. Network providers DO NOT need special dispensation to deal with new iterations of old problems.

I'd like to address some comments in AT&T's filing in this matter:

*"The Internet marketplace remains fundamentally healthy, and the purported 'cure' could only make it sick,"*

The Internet marketplace is fundamentally healthy. The USA Broadband market place is far from healthy. The availability of Broadband in the USA is noticeably smaller than other industrialized nations (Korea, Sweden, UK), and there is a large gap in the rate of US broadband spread as well. Unlike the telephone system, there's no law or regulation forcing network providers from building out the network. It's estimated that remote parts of the USA won't have wired broadband access for 10 years. It's estimated that 60% of customer's with wired broadband have only a single choice of service provider, again because unlike the telephone system there's no federal mandate for open access.

Obviously, AT&T and Comcast doesn't feel that its customer's complaints in this matter indicate a problem; hopefully, the FCC won't be so cavalier in dismissing these complaints.

*"At best, the network-management restrictions proposed by Free Press and others would inflict wasteful costs on broadband providers in the form of expensive and needless capacity upgrades — costs that would ultimately be passed through to end users, raise broadband prices across the board, and force ordinary broadband consumers to subsidize the bandwidth-hogging activities of a few."*

A horrifically specious argument that taints any argument that AT&T would try to make in this matter.

To accept this argument, you must somehow believe that AT&T is powerless to control how much bandwidth they've sold to there customers, and equally powerless to set fair billing policies on usage. The fact is that AT&T and its competitors have been marketing, selling, and profiting from the "Unlimited Broadband" strategy. Anecdotal evidence indicates most network providers are selling capacity at a 10 to 1 ratio with actually available capacity. I have no sympathy with AT&T being required to provide promised capacity to its customers, nor the costs associated with it.

The idea that costs would rise falsely implies that somehow this would be new work. Fact is I've personally paid \$44.99 for broadband access for the past 7 years. No one should be asked to believe that AT&T hasn't been upgrading its networks this whole time. AT&T is currently running fiber optic cable to my neighborhood, somehow without raising costs.

What the broadband industry doesn't want is to be subject to the same restrictions as the telephone networks. Those restrictions were precisely implemented because AT&T, and Ma Bell hugely abused its position of control to lock out competitors, and stifle innovation. The FCC and Congress could do worse than force all communication carriers to adhere to the same rules that telephone providers have to adhere to. To do less is to clearly show that we've learned nothing from past mistakes, and to give over the power to control these communication networks from the government to these companies.